REMARKS

Claims 1-22 are pending. Claims 1-5, 7-18 stand rejected. Claims 6 and 19-22 are objected to. Claims 1, 6 and 11 are independent.

Claim 6 was previously amended to independent form and should be listed as allowed.

Claims 1, 3, 4, 11, 13 and 14 have been amended herein to substantially remove the amendments submitted in the response of March 31, 2006. The amendments made in the response of March 31st, did not advance prosecution and have therefore been removed.

In addition claims 15 and 16 have been amended for clarity and to change the dependencies.

Applicant's specification was objected to in the Office Action for several minor informalities. The specification has been amended herein to correct the informalities.

The paragraph starting on page 1, line 22 was amended to correct "person" to "personal" and the paragraph starting on page 7, line 22 was amended to add "with" and remove "to." No new matter is entered. It is respectfully requested the objections to the specification be withdrawn.

Claims 1, 7, 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bullock et al. (2002/0049036) (hereinafter Bullock). It is believed this rejection should have officially included Ruppel et al. (hereinafter Ruppel) (e.g., see Office Action commenting "However, Ruppel et al. discloses in Fig. 9, a base station…") and the reference to Gilbert was intended to refer to Bullock, since Gilbert is not officially listed in the rejection.

It is respectfully submitted that the combination of Bullock and Ruppel fail to teach or render obvious applicant's claimed features as pointed out below.

Claim 1, for example recites: said base station including means for testing using wireless communication between said base station and said remote unit and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

In contrast Ruppel describes selecting the frequency with the signal having the weakest reception power having handoffs below a threshold. Ruppel teaches measuring power from

surrounding base stations and selecting frequency of the weakest signal in order to reduce interference from the surrounding base station.

Ruppel describes selecting a frequency having a channel assignment quality factor being above a predetermined quality threshold. The channel assignment quality factor is made up of two factors. The first being block 440, selects the lowest Q(f) (i.e., Q(f) is an inverse channel assignment quality factor) reading for testing. This represents the channel with the lowest received power at the base antenna of the site performing the QSAFA process.

Once the frequency with the lowest received power is found, the second factor is whether the number of handoffs on this frequency is below a threshold. This is done by accessing the base station IDs which had a number of handoffs greater than a predetermined threshold value H, within a time interval defined by a threshold value T. (decision block 450 in Ruppel)

If decision block 450 does not pass the frequency selection with the lowest residual power, this frequency is withdrawn, 460, and the frequency with the next lowest Q(f) is selected, 470, for testing in decision block 450.

When decision block 450 identifies a frequency with a low residual power level which is not used for handoffs by subscriber units to any significant level such as defined by the thresholds, the process in block 480 is activated.

Clearly Ruppel teaches finding the frequency with the lowest received power.

In contrast applicant claims selecting a frequency providing a strongest reception.

The Office Action points to FIG. 9 of Ruppel, however here Ruppel depicts the same feature of the lowest reception power. "Each of the RPs 931-937 includes a transceiver (e.g., 938 of RP 931); as will be appreciated, only the receiver portion of transceiver 938 will be active since the transmitter is not on during QSAFA measurements. Rather, RP 931 will be scanning and measuring a signal quality measure (e.g., power or RSSI) of each of the set of frequencies available, a subset of which will be transmitted by RPs 932-937 (shown as signals 942-947) while RP 931 is scanning. The power measurements are then forwarded to RPCU 950 for further processing in processor 952, **in accordance with the processes described above in connection with FIGS. 1-4**." (emphasis added).

In contrast Claim 1 includes: said base station including means for testing using wireless communication between said base station and said remote unit and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

Clearly Ruppel teaches picking the weakest signal strength in contrast to "selecting a frequency providing a strongest reception" as recited in claim 1.

Independent claim 11 also includes the feature of "...selecting a channel having a strongest signal strength from among the plurality of channels."

As pointed out above Ruppel teaches picking the weakest signal strength, which is opposite of claim 11.

Because the combination of Bullock and Ruppel teach features different from, and in fact opposite to, applicant's claimed invention, it is respectfully requested the rejection of independent claims 1 and 11 be withdrawn.

Each of the other rejected dependent claims 2-5, 7-10 and 12-18 are rejected by at least Bullock in combination with Ruppel.

As pointed out above this combination of references fails to teach each and every claimed feature of claims 1 and 11. Since claims 2-5 and 7-10 depend from claim 1, and claims 12-18 depend from claim 11, claims 2-5, 7-10 and 12-18 are patentable for at least the same reasons as claims 1 and 11.

Further each of the claims 2-5, 7-10 and 12-18 includes additional distinguishing features not found in the prior art. For example claims 3-5, 8, 9 and 13-18 include a booster station.

It is respectfully submitted that neither of Ruppel nor Bullock teach the features including a booster station contrary to the arguments in the Office Action for at least the below reasons.

Claim 3 for example, includes: at least one booster station in wireless communication with said base station and said remote unit, said at least one booster station including receiving means for receiving information transmitted from said base station and said remote unit and

transmitting means for transmitting information to said base station and said remote unit. (emphasis added).

The Office Action admits Bullock (2002/0049036) and Ruppel fail to teach a booster station being in wireless communication with the base station and the remote unit. The Office Action argues that Bullock (6,778,817) shows these features in Fig. 2, signal booster 106 which wirelessly communicates with extension unit 109. The Office Action points to power lines 105 as being equivalent to applicant's claimed wireless communication between the base station 104 and the signal booster 106.

However it is respectfully submitted that a signal traveling on the power lines is not the same as applicant's claimed wireless communication. Bullock (6,778,817) states: The PLC base unit 104 provides the carrier modulation and power line interface to send and/or receive signals over the power lines 105 in a building or facility 101. The modulated carrier signal is transmitted along the power lines 105. Preferably attached to the power lines 105 typically by a standard AC power plug and outlet, is a signal booster 106, which converts, amplifies and transmits the signal from the base unit 104 and receives the signal from the extension unit 109, preferably using an external RF antenna 107.

Clearly applicant's claim 3 is different from the cited reference because claim 3 recites at least one booster station in wireless communication with said base station and said remote unit.

In contrast the cited reference recites: send and/or receive signals over the power lines 105 in a building or facility 101.

Claims 13 and 14, although different from claim 3, each have a similar distinguishing feature as in claim 3.

In view of at least the foregoing remarks, it is respectfully requested the rejections be withdrawn. Passage of this case to allowance is earnestly solicited. Should the Examiner require anything further from Applicant, the Examiner is invited to contact Applicant's undersigned representative.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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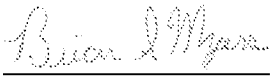

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